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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/824,496	03/14/1997	J. CARL COOPER	JCC396A	8681

7590 03/04/2002

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EXAMINER
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HARVEY, MINSUN OH

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/824,496

Applicant(s)  
COOPER

Examiner  
Minsun Oh Harvey

Art Unit  
2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 27, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 3, 20-27, 29-31, 37, and 38 is/are allowed.
- 6) ☒ Claim(s) 1, 4-19, 28, 32-36, and 39-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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1. Claims 1, 4-19, 28, 32-36, 39 and 40-53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In figure 1, the applicant has disclosed adjustment control 16 for controlling gain 14 and delay 12. However, it not clear how an amount of a delay or gain is responsive to human operator adjustment. It is not clear what "human operator adjustment" means. Clarification is required.

Correlation circuit which has been claimed in claims 8-17, 28, 32-36 and 39 do not read on figure 2.

In claim 39, the applicant has claimed step a) include "pitch correction". However, it is unclear to the examiner how the delaying of step a) include pitch correction as claimed. Clarification is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 40-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirby.

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Regarding claim 40, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of at least one of the gain responsive to the mix minus signal (feedback loop from output of 40) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

Regarding claim 43, a cancellation circuit responsive to the talent signal (12) to delay the talent signal (22) and to gain adjust the talent signal in delayed or undelayed from in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

Regarding claim 44, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal (22) and to gain adjust the talent signal in delayed or undelayed from in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of gain responsive to the mix minus signal (mix minus signal is fed back to the filter ) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

Regarding claim 46, Kirby discloses delaying the talent signal (12) by an amount of the first amount (22); adjusting the level of the talent signal in delayed or undelayed form (32 and 38)

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and providing a cancellation signal in response to the delayed form thereof (output of 38) and providing the mix minus signal in response to the feedback signal and the cancellation signal (output of 40).

Regarding claim 49, Kirby discloses delaying the talent signal (12) by an amount of the first amount (22); adjusting the level of the talent signal in delayed or undelayed from in a variable gain circuit (32 and 38) and providing a cancellation signal in response to the delayed version thereof (output of 38); automatically varying the delay amount of step a) from the expected value to the first value and; providing the mix minus signal in responsive to the feedback signal and the cancellation signal(output of 40).

Regarding claim 50, Kirby discloses delaying the talent signal (12) by varying delay (22); adjusting the level of the talent signal in delayed or undelayed from (32 and 38) and providing a cancellation signal in response to the delayed from thereof (output of 38); in the adjusting step b), automatically changing the amount of the level in response to the mix minus signal (mix minus signal is fed back to the filter) and; providing the mix minus signal in response to the feedback signal and the cancellation signal (output of 40).

4. Applicant's arguments with respect to claims 1 to 53 have been considered but are moot in view of the new ground(s) of rejection.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Minsun Oh Harvey** whose telephone number is **(703) 308-6741**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bill Isen**, can be reached at **(703) 305-4386**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**MINSUN OH HARVEY  
PRIMARY EXAMINER**